

Remarks:

Amendments to the claims:

Claims 1-10 and 12-20 are pending in this application. By this Amendment, claim 21 is canceled; no further claim amendments are entered in this paper.

Regarding the rejection of claim 21 under 35 USC 102(b) as allegedly being anticipated by US 5,041,421 to King:

Applicants traverse the Examiner's rejection of claim 21 as allegedly being anticipated by King.

In view of the cancellation of claim 21, this rejection is moot.

Reconsideration and withdrawal of the rejection of the claims under 35 USC 102(b) are respectfully requested.

Regarding the rejection of claims 1-10 and 12-20 under 35 USC 103(a) as allegedly being unpatentable over GB 2 066 839 A to Bares et al. (hereinafter "Bares") in view of WO 03/020867 to Forgaci et al. (hereinafter "Forgaci"):

Applicants respectfully traverse the rejection of the foregoing claims over Bares in view of Forgaci.

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that the determination of obviousness under § 103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference.

In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

The Patent Office acknowledges that Bares does not disclose presence of another water soluble alkali or alkaline earth metal salt during the addition of perfume to silicate (highly absorbent) carrier. However, the Patent Office introduces Forgaci as allegedly teaching (at page 3, line 25, page 6, lines 20-25, page 7, lines 10-30 and page 8, lines 1-3) a perfumed laundry detergent composition wherein the perfume is added to a silicate and alkali metal salts carrier. Applicants respectfully disagree with this allegation by the Patent Office.

Claim 1 requires addition of a fragrance to a particulate carrier material in the presence of a water-soluble salt of an alkali or alkaline earth metal, and claim 5 requires a particulate carrier on which is deposited a fragrance and a water-soluble salt of an alkali or alkaline earth metal.

Applicants submit that the alleged teachings of Forgaci mischaracterize the actual teachings set forth in Forgaci and cited by the Patent Office. Forgaci does not teach or suggest a perfumed laundry detergent composition wherein the perfume is added to a silicate and alkali metal salts carrier as alleged by the Examiner. Instead, Forgaci teaches mixing an aqueous perfume emulsion with an inorganic granular carrier material, such as sodium chloride, and subsequently layering the resultant material with a finely divided porous particulate material, such as silicas (see page 3 lines 20-28, page 6, lines 20-25, page 7, line 17 and page 8, line 1 of Forgaci).

At best, Forgaci teaches a process having steps of forming a resultant material by adding aqueous perfume emulsion to sodium chloride and, subsequently adding a layer of silica to the resultant material (perfume and sodium chloride). In other words, Forgaci teaches to control the release of perfume during a wash process by applying emulsified fragrance to a non-porous inorganic particle to form a resultant particle and then applying a porous coating over the resultant particle (see page 1, lines 23-28, page 2, lines 1-3 and page 3, lines 20-28 of Forgaci) whereby the porous coating may be absorbents similar to those taught in Bares. In view of the foregoing, it is clear that Forgaci completely fails to teach, suggest or disclose a perfumed laundry detergent composition wherein the perfume is added to a silicate and alkali metal salt carrier as alleged by the Patent Office.

Forgaci's process of perfuming a sodium chloride particle to form a resultant particle and subsequently coating the resultant particle with a layer of particulate absorbent material does not teach or suggest and is not equivalent to (1) the addition of a fragrance to a particulate carrier material in the presence of a water-soluble salt of an alkali or alkaline

earth metal as recited in claim 1 and (2) a particulate carrier on which is deposited a fragrance and a water-soluble salt of an alkali or alkaline earth metal as required by claim 5. Instead, the final product of Forgaci's process having a core of perfumed sodium chloride with a coating of particulate absorbent material is opposite to the present composition having a particulate carrier on which is deposited a fragrance and a water-soluble salt of an alkali or alkaline earth metal. Thus, Forgaci fails to teach or suggest using salt, such as sodium chloride, in a manner similar to or the same as use of water-soluble salt of present invention.

One of ordinary skill in the art would not turn to Forgaci to remedy the deficiency of Bares (i.e., failure to teach presence of another water soluble alkali or alkaline earth metal salt during the addition of perfume to silicate). Example 6 of Bares uses sodium silicate as a detergent, which is one of the best-known uses of sodium silicate. One of ordinary skill in the art would not be motivated to utilize any other salt as alleged by the Patent Office. Even if one of ordinary skill in the art were motivated to utilize another salt, Forgaci teaches use of salt (sodium chloride) as a core particles (page 7, line 19 and 20 of Forgaci). Thus, the Patent Office's allegations that it would have been obvious to add the inorganic alkali metal salts of Forgaci to Bares' perfume carrier with the motivation of enhancing delivery of perfume (without any harm or adverse effect to Bares' composition) to intended product and articles in contact are not supported by the evidence of record.

Even if one of ordinary skill in the art were to be motivated to combine Bares and Forgaci as alleged by the Patent Office, the resulting combination would not achieve the presently claimed invention because Bares merely teaches a perfumed porous carrier and Forgaci merely teaches a perfumed salt core having a porous coating. Thus, Bares and Forgaci, taken singly or in combination, fail to teach or suggest a method of preparation of a free-flowing solid fragrance-providing composition, comprising the addition of a fragrance to a particulate carrier material in the presence of a water-soluble salt of an alkali or alkaline earth metal as required by claim 1. Moreover, Bares and Forgaci, taken

singly or in combination, fail to teach or suggest a free-flowing solid fragrance-providing composition, consisting essentially of a particulate carrier on which is deposited a fragrance and a water-soluble salt of an alkali or alkaline earth metal as recited in claim 5.

Because the features of independent claims 1 and 5 are not taught or suggested by Bares and Forgaci, taken singly or in combination, these references would not have rendered the features of claims 1-10 and 12-20 obvious to one of ordinary skill in the art.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-10 and 12-20 under 35 U.S.C. 103(a) are respectfully requested.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned representative would meaningfully advance the prosecution of this application towards allowance, the Examiner is invited to contact the undersigned at their earliest convenience.

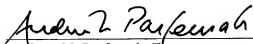
PETITION FOR A TWO-MONTH EXTENSION OF TIME

The applicants respectfully petition for a two-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;



Andrew N. Parfomak, Esq.

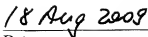
Reg.No. 32,431

Norris, McLaughlin & Marcus, PC

875 Third Avenue, 18th Floor

New York, NY 10022

Tel: 212 808-0700



Date: